

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-1230V

Filed: July 23, 2021

UNPUBLISHED

JOHN PATRICK CHARD,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Horner

Order Concluding Proceedings;  
Vaccine Rule 21(a)

*Alan K. Nicolette, Nordstrom, Steele, Nicolette & Blythe, Tustin, CA, for petitioner.  
Jennifer A. Shah, U.S. Department of Justice, Washington, DC, for respondent.*

### **ORDER CONCLUDING PROCEEDINGS**<sup>1</sup>

On August 19, 2019, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleged that he suffered a shoulder injury related to administration of his August 23, 2016 influenza vaccine. (ECF No. 1, p. 1.) On February 17, 2021 respondent filed a Rule 4(c) Report recommending that compensation be denied. (ECF No. 35.) On May 6, 2021, I held a status conference in which I explained several significant issues in this case and recommended petitioner consider voluntarily dismissing his claim. (ECF No. 36.) On July 23, 2021, petitioner filed a joint stipulation of dismissal on behalf of the parties. (ECF No. 39.)

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<sup>1</sup> Because this decision contains a reasoned explanation for the special master’s action in this case, it will be posted on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information the disclosure of which would constitute an unwarranted invasion of privacy. If the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Accordingly, pursuant to Vaccine Rule 21(a), this case is hereby **dismissed without prejudice**. The Clerk of the Court is hereby instructed that a **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a).

**IT IS SO ORDERED.**

**s/Daniel T. Horner**

Daniel T. Horner  
Special Master